

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA

[This form is for non-prisoners to file a civil complaint. NEATLY print in ink (or type) your answers.]

TOWNS C. WINCO SR.
[You are the PLAINTIFF, print your full name on this line.]

v.

Rite of Passage DePaul Academy
[The DEFENDANT is who you are suing. Put ONE name on this line. List ALL defendants below, including this one.]

Case Number 3:19CV351
[For a new case in this court, leave blank.
The court will assign a case number.]

[The top of this page is the caption. Everything you file in this case must have the same caption. Once you know your case number, it is VERY IMPORTANT that you include it on everything you send to the court for this case. DO NOT send more than one copy of anything to the court.]

CIVIL COMPLAINT

#	Defendant's Name and Job Title	Address
1	[Put the defendant named in the caption in this box.] <u>Program Director</u> <u>IKE Shipmen</u>	<u>1000 South Michigan St</u> <u>South Bend, IN 46601</u>
2	[Put the names of any other defendants in these boxes.] <u>Head of Personnel</u> <u>Michelle Ruth</u>	<u>1000 South Michigan St.</u> <u>South Bend, IN 46601</u>
3		

[If you are suing more defendants, attach an additional page. Number each defendant. Put the name, job title, and address of each defendant in a separate box as shown here.]

- How many defendants are you suing? 3
- What is your address? 24581 Nash Avenue, South Bend,
IN 46619
- What is your telephone number: (574) 202-5781
- Have you ever sued anyone for these exact same claims?
☒ No.
☐ Yes, attached is a copy of the final judgment OR an additional sheet listing the court, case number, file date, judgment date, and result of the previous case(s).

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]

2019 MAY -6 PM 12:21
U.S. DISTRICT COURT CLERK
NORTHERN DISTRICT
OF INDIANA

FILED

CLAIMS and FACTS

DO: Write a short and plain statement telling what each defendant did wrong.

DO: Use simple English words and sentences.

DO NOT: Quote from cases or statutes, use legal terms, or make legal arguments.

DO: Explain when, where, why, and how these events happened.

DO: Include every fact necessary to explain your case and describe your injuries or damages.

DO: Number any documents you attach and refer to them by number in your complaint.

DO NOT: Include the names of minors, social security numbers, or dates of birth.

DO: Use each defendant's name every time you refer to that defendant.

DO: Number your paragraphs. [The first paragraph has been numbered for you.]

1. Being terminated because of alleged medical reason fabricate by Michelle Ruth and Ike Shipman... the same two individuals put me to sign a form that I would take to my doctor, without me (Torjiv C. Wingo Sr.) be allowed the time to read the information with my doctor.

2. Michelle Ruth wanted me to fill out documents she already had in her possession, "approved" forcing an issue, not company policy nor procedure, and stating that it was a company policy, only to state later it is not company policy (as to I asked her for a copy of said policy). - she then went on to state, it was an America with Disability Policy (ADA), none of which is true.

Claims and Facts (continued)

3. Ike Shipman helped fabricate all illegal actions Michelle Ruth execute, and he was witness and in the meeting about all questions about my personal medical condition without any reason for the actions take. Both violate Hipp Laws along with others laws

PRIOR LAWSUITS – Have you ever sued anyone for this exact same event?

☒ No.

☐ Yes, attached is a copy of the final judgment OR an additional sheet listing the court, case number, file date, judgment date, and result of the previous case(s).

RELIEF – If you win this case, what do you want the court to order the defendant to do?

Pay compensation for current and further pecuniary losses and the mental anguish in the same.

FILING FEE – Are you paying the filing fee?

☐ Yes, I am paying the \$400.00 filing fee. I understand that I am responsible to notify the defendant about this case as required by Federal Rule of Civil Procedure 4. [If you want the clerk to sign and seal a summons, you need to prepare the summons and submit it to the clerk.]

☒ No, I am filing a Motion to Proceed In Forma Pauperis and asking the court to notify the defendant about this case.

[Initial Each Statement]

T.W. I will keep a copy of this complaint for my records.

T.W. I will promptly notify the court of any change of address.

T.W. I declare under penalty of perjury that the statements in this complaint are true.

Tongin C. Wyo Jr.
Signature

5.2.19
Date

EEOC Form 5 (501)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented to: Agency(ies) Charge No(s):

☐ FEPA Amended Charge No. 24M-2019 0000
☒ EEOC

South Bend Human Rights Commission

and EEOC

State or local Agency, if any

Name (indicate Mr, Ms, Mrs.)

Home Phone (Incl. Area Code)

Date of Birth

Mr. Tonja Wingo

(574) 202-5781

05/25/1967

Street Address

City, State and ZIP Code

24581 Nash Avenue

South Bend, IN 46619

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below)

Rite of Passage

No. Employees, Members
15-100Phone No. (Include Area Code)
(574) 344-3919

Street Address

City, State and ZIP Code

1000 S. Michigan Street

South Bend, IN 46601

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

DATE(S) DISCRIMINATION TOOK PLACE

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGINEarliest Latest
10-2-2018 10-2-2018☒ RETALIATION ☒ AGE ☒ DISABILITY ☐ OTHER (Specify below.)☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)):

1. Charging Party, Tonja Wingo ("CP"), an African-American male, was hired by Respondent, Rite of Passage ("R"), in or about 2017. At the time of his separation, CP's job title was a Coach Counselor.
2. At all times CP met or exceeded R's legitimate expectations of performance.
3. CP is disabled as that term is defined by the Americans with Disabilities Act. He was able to perform his position with or without a reasonable accommodation.
4. In January 2018, CP submitted work restrictions prepared by his doctor after he experienced discomfort in his chest. After a brief exchange of information, R initially granted CP's request for a reasonable accommodation. With the offered accommodations, CP was able to perform the essential functions of his job.
5. In or about May or June 2018, CP was told that his medical paperwork had 'disappeared.' He approached Human Resources about his medical restrictions, and R took the position that CP had to resubmit information regarding his medical condition and work restrictions. Despite the fact that neither his job nor his restrictions changed, R engaged CP and his doctor in a series of inquiries throughout the summer and into the fall.
6. In response to what CP reasonably believed was unlawful conduct, he filed a charge of discrimination with the EEOC on July 12, 2018, 24M-2018-00179. Thereafter, CP contends he was retaliated against. By way of example, R is requiring an inordinate amount of information about his condition; changed his job description despite there being no change in the position; was subjected to a second criminal background check; forced to submit to a TB test.

7. On October 2, 2018, R confronted CP and required him to sign certain paperwork. CP declined to execute the paperwork until after he reviewed it. By that evening he provided the additional information requested of him and returned the document signed. CP was thereafter placed on leave until corporate reviewed his medical restrictions.
8. On October 21, 2018, R promised to pay CP for the time he was off work.
9. On October 25, 2018, R notified CP that it was eliminating his position because it couldn't accommodate him, a reversal of its January 2018 decision despite no change in CP's condition, work restrictions, requested accommodations, or job duties. Upon information and belief, R has since told the Indiana Department of Workforce Development that CP was on a 'medical leave.'
10. R has accommodated other employees with serious health problems previously by changing their job duties. These individuals were Caucasian and younger than CP.
11. CP's rights afforded to him by Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. CP seeks to pursue all remedies available to him under these statutes.
12. CP reserves the right to amend or modify this charge as additional information becomes available to him.

I declare under penalty of perjury that the above is true and correct.

11/29/2018

Date

Longal Wings

Charging Party Signature

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

DISMISSAL AND NOTICE OF RIGHTS

To: **Tonja Wingo**
24581 Nash Ave
South Bend, IN 46619

From: **Indianapolis District Office**
101 West Ohio St
Suite 1900
Indianapolis, IN 46204



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

24M-2019-00002

Frederick J. BruBaker,
Enforcement Supervisor

(317) 226-7350

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

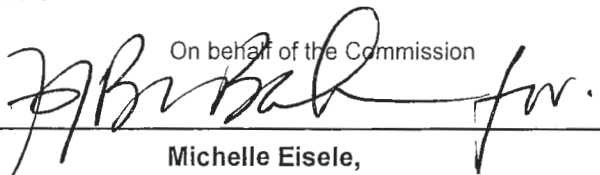
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Michelle Eisele,
District Director

FEB 11 2019

(Date Mailed)

Enclosures(s)

CC: **Rick Wright, HR Director**
RITE OF PASSAGE, INC.
2560 Business Parkway
Suite A
Minden, NV 89423

Christopher S. Wolcott
THE WOLCOTT LAW FIRM
450 E. 96th Street
Suite 500
Indianapolis, IN 46240